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WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

CORRECTION NOTICE ON FDO-86 "FATS AND OILS"

Two errors occurred in printing Food Distribution Order 86.

In section 1460.30 (a) (10), the word "persons"
should read "person" and in paragraph (d) (5), the
words "of the rosin soap" should read "and the rosin soap".

WAR FOOD ADMINISTRATION

[FDO 86]

PART 1460—FATS AND OILS

SOAP

The fulfillment of the requirements of defense of the United States will result in a shortage in the supply of fats and oils and soap for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.30 *Restrictions on the manufacture and distribution of soap—(a) Definitions.* (1) "Soap" means the water soluble product formed by the saponification or neutralization of fats, oils, rosins, or their fatty acids with organic, sodium, or potassium bases; or any detergent composition containing such products.

(2) "Total anhydrous soap" means dry soap free from concomitants (including, but not limited to, unsaponifiable matter, glycerine, chlorides, carbonates, free caustic alkalies, and water insoluble material) and free from builders and fillers. The term includes both rosin soap and soap made from fats and oils. The total anhydrous soap content of any soap shall be computed, as of the time of manufacture, on a weight basis and expressed as the percentage which such content bears to the whole soap.

(3) "Soap product" means a kind of soap of a particular type and quality produced by a manufacturer during the 30-day period ending July 17, 1942, or a kind of soap of a particular type and quality offered for sale by a manufacturer in such period which was not produced in such period but which was produced by him prior to such period.

(4) "Base period" means, with respect to any soap product, the 30-day period ending July 17, 1942, or if the soap product was offered for sale in said 30-day period by a manufacturer but was not produced therein and was produced prior thereto by him, it means the most recent period prior thereto when such product was produced by him.

(5) "Base anhydrous soap content" means the anhydrous soap content derived from fats and oils only which was present in a soap product as produced in the base period. The base anhydrous soap content shall be computed, as of the time of manufacture, on a weight basis and expressed as the percentage which such content bears to the whole soap.

(6) "Fats and oils" means all the raw, crude, refined, and pressed fats and oils, whether vegetable, animal, fish, or other marine animal, including grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, lard, and rendered pork fat, but not including butter, wool (greases) fats, essential oils, whole tall oil, mineral oils, and vitamin-bearing oils derived from fish or other marine animal livers or viscera.

(7) "Rosin" means the common resin obtained from trees of the pine family and includes gum rosin, wood rosin, hydrogenated rosin, polymerized rosin, rosin or abietic acid separated from tall oil, and crude or refined tall oil as such.

(8) "Builders" means water soluble alkaline compounds except sodium and potassium hydroxide, added to soap to aid and increase its detergent properties.

(9) "Fillers" means all water insoluble substances and all water soluble materials except alkaline compounds.

(10) "Persons" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(11) "Manufacturer" means any person who produces soap and includes a soap converter.

(12) "Soap converter" means any person who uses soap made by others as a raw material, and by the addition of other materials, including, but not limited to, silicates, phosphates, abrasives, borax, corn meal, and soda ash, makes a finished product which is sold for detergent uses.

(13) "Packaged soap" means any bar soap and any other soap packed in a unit package weighing less than 25 pounds net.

(14) "Bulk package" means a unit package containing 25 pounds net or more of any soap except bar soap.

(15) "Inventory" means, with respect to any person, the quantity of soap which has been delivered to him and is on his premises or in other storage facilities used by him, except that it does not include a soap converter's stock of finished products.

(16) "Director" means the Director of Food Distribution, War Food Administration.

(b) *Classification of soap.* For the purposes of this order all soap products shall be classified as follows:

(1) Class 1 shall include all bar soaps (except bar laundry soaps in class 6 hereof) with a base anhydrous soap content of 60 percent or more.

(2) Class 2 shall include all packaged soap in the form of chips, flakes, powder, granules, or similar packaged forms with a base anhydrous soap content of 85 percent or more.

(3) Class 3 shall include all packaged soaps in the form of chips, flakes, powder, granules, or similar packaged forms, with a base anhydrous soap content of 70 percent or more, but less than 85 percent.

(4) Class 4 shall include all packaged soaps in the form of chips, flakes, powder, granules, or similar packaged forms with a base anhydrous soap content of 50 percent, or more, but less than 70 percent.

(5) Class 5 shall include all white laundry bar soap of less than 60 percent base anhydrous soap content.

(6) Class 6 shall include all rosin yellow laundry bar soap.

(7) Class 7 shall include all other forms of soap not included in said classes 1 to 6, inclusive, including, but not limited to, solid soap sold in bulk packages, package or bulk washing powder, paste potash soaps, liquid soaps, paste and powdered hand soaps, shaving creams and shaving soaps, shampoo soaps, and soap chips, flakes, powder, or granulated products not included in said classes 1 to 6, inclusive.

(c) *Restrictions on the manufacture of soap.* On and after November 1, 1943, the production of a manufacturer shall be limited to his soap products as defined in paragraph (a) (3) hereof: *Provided, however,* That the contents of such products shall be made to conform with the provisions of paragraph (d) hereof.

(d) *Restrictions on the contents of soap products.* On and after November 1, 1943, no manufacturer shall produce any soap product unless the contents thereof shall comply with the following requirements:

(1) The anhydrous soap content derived from fats and oils only of any soap product within Class 1 shall be an amount equal to 98% of the base anhydrous soap content of such product and the rosin soap content of such product shall exceed the rosin soap content of the product as manufactured in the base period by an amount equal to 2% of the base anhydrous soap content of such product.

(2) The anhydrous soap content derived from fats and oils only of any soap product within Class 2 shall be an amount equal to 95% of the base anhydrous soap content of such product and the rosin soap content of such product shall exceed the rosin soap content of the product as manufactured in the base period by an

amount equal to 5% of the base anhydrous soap content of such product.

(3) The anhydrous soap content derived from fats and oils only of any soap product within Class 3 shall be an amount equal to 85% of the base anhydrous soap content of such product and the rosin soap content shall exceed the rosin soap content of the product as manufactured in the base period by an amount equal to 5% of the base anhydrous soap content of such product, and, in addition thereto, the amount of rosin soap, builders, or rosin soap and builders, shall exceed the quantity of such materials contained in said product as manufactured in the base period by a further amount equal to 10% of the base anhydrous soap content of such product.

(4) The anhydrous soap content derived from fats and oils only of any soap product within Class 4 shall be an amount equal to 90% of the base anhydrous soap content of such product and the rosin soap content of such product shall exceed the rosin soap content of the product as manufactured in the base period by an amount equal to 5% of the base anhydrous soap content of such product, and in addition thereto, the quantity of rosin soap, builders, or rosin soap and builders in the product shall exceed the quantity of rosin soap, builders, or rosin soap and builders contained in the product as manufactured in the base period by a further amount equal to 5% of the base anhydrous soap content of such product.

(5) The total anhydrous soap content of a soap product within Class 5 shall not be greater than 42% of the rosin soap shall comprise not less, and not more, than 4% of such content.

(6) The total anhydrous soap content of any soap product within Class 6 shall not be greater than 58%, and rosin soap shall comprise not less than 37½% of such content.

(7) No change shall be required with respect to the contents of any soap product within Class 7.

The moisture content of a soap product in its finished state shall not exceed the moisture content of such product in its finished state as produced in the base period. The contents of a soap product shall be computed as of the time of manufacture.

(e) *Restrictions on inventories.* Except as provided for in paragraph (f) hereof, on or after November 1, 1943, no person shall accept delivery of soap in a bulk package or packaged soap in a case, for use in any manner in his business operations, from a manufacturer, jobber, or wholesaler, if such acceptance of delivery will cause his inventory of soap to exceed a 45-day supply at his current rate of consumption; or two bulk packages or cases of packaged soap; whichever is greater, and unless he shall properly fill out and furnish to the person delivering the soap to him, with the order

for such soap, a certificate in the following form:

The undersigned hereby certifies to the Food Distribution Administration, War Food Administration, and to _____

(Name and address of supplier)
in compliance with FDO No. 86, that the delivery of the soap covered by the attached order No. _____ on the approximate date specified for delivery, to wit: _____,

(Date)
will not cause his inventory of soap to exceed: (a) a 45-day supply at his current rate of consumption, or (b) two bulk packages or cases of packaged soap [strike out (a) or (b) whichever is inapplicable].

(Deliverer)
By: _____
(Date) (Authorized official)

Such certificates shall be retained by the manufacturer, jobber, or wholesaler receiving them as a part of his records for a period of at least two years, or for such other periods of time as the Director may hereafter specify. No manufacturer, wholesaler, or jobber shall deliver any soap to any person without receiving such certificate when he knows or has reason to believe that such person is required by the terms of this order to furnish him with such a certificate, and no manufacturer, jobber, or wholesaler shall deliver any soap pursuant to a certificate which he knows or has reason to believe is false, but, in the absence of such knowledge or reason for belief, he may rely on the certificate.

(f) *Exceptions.* The provisions and restrictions of paragraph (e) hereof shall not apply to the delivery to, or the acceptance of delivery by:

(1) Any person who accepts delivery of soap for the purpose of resale and who resells the soap in the form in which he received it, or who, prior to reselling, merely adds small amounts of color or perfume to the soap, or dissolves it in water to make liquid soap without adding other non-soap detergent materials; or

(2) The Army, Navy, Marine Corps, the Coast Guard of the United States; the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); the War Shipping Administration; the Veterans Administration; or any other instrumentality or agency designated by the War Food Administrator.

(g) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(h) *Record and reports.* (1) Every manufacturer shall keep records by calendar or fiscal months showing the amount of fats and oils and the amount of rosin used by him in the manufacture of each class of soap product, and the weight of the finished soap produced by him in each class.

(2) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in soap.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of soap of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 86.

Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(k) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using soap, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are

issued by the Director, or otherwise provided herein, be addressed to the Director, of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C. Ref. FDO 86.

(m) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to

the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(n) *Territorial extent.* This order shall apply only to the 48 States of the United States and the District of Columbia.

(o) *Effective date.* This order shall become effective on November 1, 1943, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 18th day of October 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

Press Release Immediate:
Tuesday, October 19, 1943.

Adjusted soap formulas prescribed today by the War Food Administration are designed to effect an increase in the Nation's soap supply of approximately 9 percent without using additional fats and oils.

At the same time, the Office of Price Administration amended its price controls over soaps so that manufacturers may comply with the program without changing prices as long as the serviceability of the soap products is not reduced.

The adjusted formulas call for a larger use of domestic non-fat materials, principally rosin, as substitutes for fats. The percentage of substitution will be from 2 to 15 percent, depending on the type of soap, as follows:

Type	Rosin	Rosin or Builders
Toilet Bars.....	2%	None
Fine Fabric.....	5%	None
Floating Soap.....	2%	None
White Laundry.....	4%	None
Chips and granules (62%)..	5%	5%
Chips and granules (82%)..	5%	10%

No change is required for washing powder, hand paste, liquid soap or yellow laundry. The latter is standardized at 58% total anhydrous soap, of which 62.5% is maximum fat content; balance, rosin.

To effect the increase in soap supply, WFA has issued Food Distribution Order No. 86, requiring manufacturers to use rosin in prescribed percentages for most soaps, and water softening builders—trisodium phosphate, sal soda and modified soda—for laundry soaps and flakes. The order is effective November 1, 1943.

Issuance of FDO 86 is part of a broad program announced September 22 by which the civilian soap supply will be increased about 28 percent. The additional 19 percent will come from an increase in the percentage of fats and oils allowable for soap making under Food Distribution Order No. 42. An amendment to that order making the increase possible was issued October 11.

Rosin and other domestic non-fats are being substituted because some of the

more common soap making materials—principally palm and coconut oils—are imported and in short supply, and the domestic vegetable oils available for that purpose will not be sufficient to make the quantity necessary to meet civilian needs.

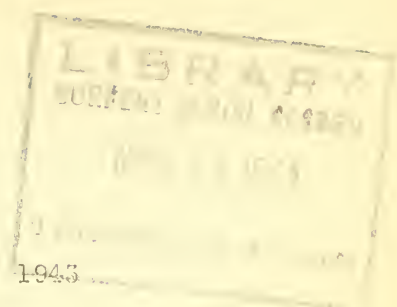
The OPA action—Amendment No. 2 to Commodity Practices Regulation 1, which also is effective November 1, 1943—calls for continuation of present maximum prices as long as the anhydrous soap content or "dry" soap content, does not fall below 99 percent in bar soaps and 97 percent in packaged soap. Where percentages of the anhydrous soap content fall below the prescribed percentages, OPA required that manufacturers either reduce their prices proportionately or commensurately increase the size of the bar or package.

Previous OPA action under the regulation defined anhydrous soap content as including rosin soaps.

Under the terms of the OPA amendment, manufacturers are required to report to OPA, Washington, D. C. all changes in anhydrous soap content.

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WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.



December 1943

SOAP

Food Distribution Order No. 86

Questions and Answers

Food Distribution Order No. 86, which was effective November 1, 1943 is designed to increase the Nation's soap supply without using additional fats and oils. It requires a larger use of domestic non-fat materials, principally rosin, as substitutes for fats, and prescribes percentages of substitution which vary with the type of soap manufactured. Another purpose of the order is to improve distribution by limiting the inventories of large users to a 45-day supply, based on the current rate of consumption.

This statement, prepared for general distribution, is intended to supply the answers to many of the questions raised by the public. For additional information write to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref.: FDO 86.

1. Q-Must an inventory compliance certificate be obtained for each delivery of soap subject to the inventory restrictions of Food Distribution Order No. 86?

A-No. If delivery is specified on several different dates, the purchaser may certify once to cover the entire order provided he is sure that delivery on the dates specified will not result in his having more than a 45-day inventory.

2. Q-Are wholesalers, retailers, jobbers, agents and others who buy soap in bulk packages and full cases for resale required to certify under the inventory restriction?

A-No. The inventory restriction applies only to purchasers of bulk packages and full cases for actual use.

3. Q-Do the inventory restrictions apply to--
 - (a) Soap in the aggregate, or to soap by kinds or brands?
 - (b) Soap for processing textiles?
 - (c) Soap for non-detergent purposes?
 - (d) Bar toilet soap?

WDO-86 - Questions and Answers Continued

3. Q-(c) Soap delivered to city, county and State institutions (hospitals, schools, libraries, jails, etc.)?
(f) Soap delivered to religious organizations?
(g) Soap delivered to private educational institutions?
(h) Soap delivered to private hospitals?

A-(a) They apply to soap in aggregate.
(b) Yes.
(c) Yes.
(d) Yes, when sold in case lots for use (not resale).
(e, f, g, h) Non-profit organizations such as Federal, State, county, municipal, charitable, religious, medical, and educational institutions are not required to make inventory certifications under the order, since these are not considered as being engaged in "business operations." (Medical, educational, and other institutions operated for profit must certify.)

4. Q-Can the 45-day inventory restriction on soap be construed to mean that "no buyer shall purchase at one time more than a 45-day supply?"

A-No. It means that the inventory, in the aggregate, must not be more than a 45-day supply (at the current rate of use) after receipt of any purchase of soap in full cases or bulk packages. Where a single bulk package or case is equal to more than a 45-day supply, the total supply after receipt of a soap order must not be greater than two bulk packages or cases.

5. Q-What is the meaning of the term "unit package" as used in the order in connection with the definitions of "packaged soap" and "bulk package?"

A-"Unit package" means the smallest production unit. For example, a unit package would be a single bar of soap or a single carton of packaged soap. Such bars or packages ordinarily are packed in a shipping container which holds several "unit packages." A shipping container containing more than one package or bar cannot be considered a "unit package."

6. Q-What is considered a reasonable tolerance in the anhydrous soap content and the rosin content of soap as required by the order?

ADG 83 - Questions and Answers Continued

6. A-It is recognized that in normal soap making practice, it is not possible consistently to meet a given specification precisely. However, over a period of time, the quantities of fat, resin, and builders should closely approximate the required percentages, and records of individual batches should show that a reasonable effort has been made to meet the requirements.

7. Q-Paragraph (a)(3) of the order defines "soap product" as a "kind" of soap of a particular "type and quality." What is meant by this definition?

A-To consider the word "kind" to refer to end use in the sense that soap may be classified as toilet bar, laundry bar, fine fabric, laundry chips, etc. The word "type" refers to the classification of soap, whether household or bulk. The word "quality" refers to the total anhydrous soap content.

8. Q-Is low-titer chip soap as manufactured in the base period (30 days ending July 17, 1942), may high-titer soap now be manufactured in addition to a low-titer soap?

A-Yes, if the high-titer soap chip has the same total anhydrous soap content as the low-titer soap chip and is of the same type (packaged soap or bulk package) as the low-titer soap chip.

9. Q-Are changes in raw materials since July 1942 construed as changing the type of soap, provided its end use and quality remain the same?

A-No.

10. Q-A manufacturer did not produce chip soap for the manufacture of synthetic rubber during the base period. Does he have to discontinue production of this soap?

A-No, if he produced industrial chips of the same total anhydrous soap content during the base period.

11. Q-A manufacturer makes an all-purpose soap for the Army which is different from any soap made in July 1942. Does ADG No. 86 require him to discontinue production of this soap?

A-Since this is not a kind of soap of a particular type and quality which was offered for sale in the base period, the producer must apply for permission to continue its manufacture. Permission to manufacture for Army use undoubtedly would be granted.

FDO 86 - Questions and Answers Continued

12. Q-Prior to the base period, a manufacturer produced a soap which was not manufactured or offered for sale during the base period. Is he required to file an appeal under FDO 86 to reinstate this soap in his line of products?

A-Yes.

13. Q-Does the 45-day restriction on inventories apply to each type of soap?

A-No. The restriction is on the aggregate quantity of soap owned by the user.